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10/630,472

07/30/2003

Jack E. Ozzie

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EXAMINER

SCOTT, RANDY A

ART UNIT

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2453

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/630,472

Applicant(s)

OZZIE ET AL.

Examiner

RANDY SCOTT

Art Unit

2453

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 3/26/07 & 6/9/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the application filed 7/30/2003

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 35-37 are rejected under 35 USC 101 because each claim recites non-statutory subject matter. A “computer data signal embodied in a carrier wave” is not considered patentable language because a carrier wave is an emitted light signal and regarded as a natural occurrence. It is suggested that the applicant begin the preamble with a limitation that describes a process, machine, manufacture, or composition of matter that is man made and not a known natural embodiment.

Claim Rejections – 35 USC 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be granted a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-3, 18-20, and 35-37 are rejected under 35 USC 102(c) as being anticipated by Link et al (US 6,012,096).

Regarding claims 1, 18, and 35, Link et al discloses:

Assigning a unique designation to each endpoint of each member of the telepace, each designation of a member indicative of the order in which the member joined the telepace (see col. 5, lines 1-5, which discloses that addresses of computers connected to the gaming lobby are created, fig. 3, and fig. 4); and for each member invited to join by another telepace member comprising the inviting member, assigning a unique endpoint designation indicative of the inviting member (see col. 10, lines 12-14).

Regarding claims 2, 19, and 36, Link et al discloses assigning a unique numeral designation to each endpoint (see col. 5, lines 1-5).

Regarding claims 3, 20, and 37, Link et al discloses assigning a unique serial numeral designation to each endpoint wherein the serial numeral designation comprises a series of numbers including the numeral designation of the inviting member (see col. 5, lines 1-5 and col. 10, lines 12-14).

Claim Rejections – 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

- (a) A patent may not be obtained through the invention is not identically disclosed or described as set forth in of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4-5, and 21-22 are rejected under 35 USC 103 (a) as being unpatentable over Link et al (US 6,012,096) in view of Grimm et al (US 5,828,843).

With respect to claims 4 and 21, Link et al (US 6,012,096) discloses the limitations discussed above.

Link et al teaches all the limitations of claims 4 and 21, except for wherein a plurality of the designations of different endpoints each indicates a chain of inviting members.

The general concept of wherein a plurality of the designations of different endpoints each indicate a chain of inviting members (see col. 10, lines 48-56, which teaches that attributes and values are provided for links and IP addresses of users currently participating in the gaming environment before the requested user joins) is well known in the art as illustrated by Grimm et al.

It would have been obvious to one of ordinary skill in the art to combine Link et al with the general concept of wherein a plurality of the designations of different endpoints each indicate a chain of inviting members, as illustrated by Grimm et al, in order to effectively implement a peer to peer data sharing system.

With respect to claims 5 and 22, Link et al (US 6,012,096) discloses the limitations discussed above.

Link et al teaches all the limitations of claims 5 and 22, except for wherein endpoint designations comprise a number of orders, including a first order designating a founding member of the telespace, and at least a second order designating a member invited to join the telespace by the founding member.

The general concepts of wherein endpoint designations comprise a number of orders, including a first order designating a founding member of the telepace (see col. 10, lines 59-67, which teaches that the match making mechanism creates records and metrics for the first member of a peer to peer gaming virtual room) and at least a second order designating a member invited to join the telepace by the founding member (see col. 11, lines 1-3, "requests from other clients") are well known in the art as illustrated by Grimm et al.

It would have been obvious to one of ordinary skill in the art to combine Link et al with the general concepts of wherein endpoint designations comprise a number of orders, including a first order designating a founding member of the telepace, and at least a second order designating a member invited to join the telepace by the founding member, as illustrated by Grimm et al, in order to effectively implement a peer to peer data sharing system.

7. Claims 6 and 23 are rejected under 35 USC 103 (a) as being unpatentable over Link et al (US 6,012,096) in view of Shear et al (US 6,112,181).

With respect to claims 6 and 23, Link et al (US 6,012,096) discloses an endpoint corresponding to a founding telepace member assigning itself a unique designation comprising a first order digit (see col. 5, lines 1-1, which teaches that IP addresses are added and removed for clients that join and leave the gaming lobby).

Link et al teaches all the limitations of claims 6 and 23, except for assigning, by the founding member, each of a plurality of endpoints corresponding to a new member of the telepace invited into the telepace by the founding member a unique designation

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comprising the first order digit of the founding telespace member, and a second order digit, the second order digits of the designations of endpoints of the new members being in a sequential order indicating the order in which the new members joined the telespace.

The general concepts of assigning, by the founding member, each of a plurality of endpoints corresponding to a new member of the telespace invited into the telespace by the founding member a unique designation comprising the first order digit of the founding telespace member (see col. 52, lines 1-5, "user or group ID field," also see col. 18, lines -11, which teaches that the method pertains to an online gaming environment), and a second order digit, the second order digits of the designations of endpoints of the new members being in a sequential order indicating the order in which the new members joined the telespace (see col. 53, lines 57-65) are well known in the art as illustrated by Shear et al.

It would have been obvious to one of ordinary skill in the art to combine Link et al with the general concepts of assigning, by the founding member, each of a plurality of endpoints corresponding to a new member of the telespace invited into the telespace by the founding member a unique designation comprising the first order digit of the founding telespace member, and a second order digit, the second order digits of the designations of endpoints of the new members being in a sequential order indicating the order in which the new members joined the telespace, as illustrated by Shear et al, in order to sufficiently regulate a peer to peer data exchange network.

8. Claims 7-10 and 24-27 are rejected under 35 USC 103 (a) as being unpatentable over Link et al (US 6,012,096) in view of Shear et al (US 6,112,181), further in view of Sharpe et al (US 5,898,834).

With respect to claims 7 and 24, Link et al (US 6,012,096) discloses an endpoint corresponding to a founding telespace member assigning itself a unique designation comprising a first order digit (see col. 5, lines 1-1, which teaches that IP addresses are added and removed for clients that join and leave the gaming lobby).

Link et al teaches all the limitations of claims 7 and 24, except for inserting endpoint designations into data change requests.

The general concepts of the claims in which claims 7 and 24 are dependent upon are well known in the art as illustrated by Shear et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al with the general concepts of claims in which claims 7 and 24 are dependent upon, as illustrated by Shear et al, in order to sufficiently regulate a peer to peer data exchange network.

Link et al, in combination with Shear et al, teach all the limitations of claims 7 and 24, except for inserting endpoint designations into data change requests.

The general concept of inserting endpoint designations into data change requests (see col. 14, lines 56-59, which teaches a change request in relation to the client pairing with the service providing mechanism) is well known in the art as illustrated by Shear et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al and Shear et al with the general concept of inserting endpoint designations into data

change requests, as illustrated by Sharpe et al, in order to sufficiently regulate a peer to peer data exchange network.

With respect to claims 8 and 25, Link et al (US 6,012,096) discloses an endpoint corresponding to a founding telespace member assigning itself a unique designation comprising a first order digit (see col. 5, lines 1-1, which teaches that IP addresses are added and removed for clients that join and leave the gaming lobby).

Link et al teaches all the limitations of claims 8 and 25, except for inserting endpoint designations into data change requests.

The general concepts of the claims in which claims 8 and 25 are dependent upon are well known in the art as illustrated by Shear et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al with the general concepts of claims in which claims 8 and 25 are dependent upon, as illustrated by Shear et al, in order to sufficiently regulate a peer to peer data exchange network.

Link et al, in combination with Shear et al, teach all the limitations of claims 8 and 25, except for using the endpoint designations in data change requests to resolve a dependency collision between two data requests.

The general concept of using the endpoint designations in data change requests to resolve a dependency collision between two data requests (see col. 13, lines 9-12, which teaches a detecting a collision due to data request conflict and the resulting processed action) is well known in the art as illustrated by Sharpe et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al and Shear et al with the general concept of using the endpoint designations in data change requests to resolve a dependency collision between two data requests, as illustrated by Sharpe et al, in order to sufficiently regulate a peer to peer data exchange network.

With respect to claims 9 and 26, Link et al (US 6,012,096) discloses an endpoint corresponding to a founding telespace member assigning itself a unique designation comprising a first order digit (see col. 5, lines 1-1, which teaches that IP addresses are added and removed for clients that join and leave the gaming lobby).

Link et al teaches all the limitations of claims 9 and 26, except for inserting endpoint designations into data change requests.

The general concepts of the claims in which claims 9 and 26 are dependent upon are well known in the art as illustrated by Shear et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al with the general concepts of claims in which claims 9 and 26 are dependent upon, as illustrated by Shear et al, in order to sufficiently regulate a peer to peer data exchange network.

Link et al, in combination with Shear et al, teach all the limitations of claims 9 and 26, except for resolving a dependency collision while maintaining total ordering.

The general concept of resolving a dependency collision while maintaining total ordering (see col. 16, lines 42-45) is well known in the art as illustrated by Sharpe et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al and Shear et al with the general concept of resolving a dependency collision while maintaining total ordering, as illustrated by Sharpe et al, in order to sufficiently regulate a peer to peer data exchange network.

With respect to claims 10 and 27, Link et al (US 6,012,096) discloses an endpoint corresponding to a founding telespace member assigning itself a unique designation comprising a first order digit (see col. 5, lines 1-1, which teaches that IP addresses are added and removed for clients that join and leave the gaming lobby).

Link et al teaches all the limitations of claims 10 and 27, except for inserting endpoint designations into data change requests.

The general concepts of the claims in which claim 10 is dependent upon are well known in the art as illustrated by Shear et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al with the general concepts of claims in which claims 10 and 27 are dependent upon, as illustrated by Shear et al, in order to sufficiently regulate a peer to peer data exchange network.

Link et al, in combination with Shear et al, teach all the limitations of claims 10 and 27, except for comparing endpoint digits on an order-by-order basis; and scheduling data change requests so that data change requests with the lowest endpoint digits in the lowest orders are scheduled for processing first.

The general concept of comparing endpoint digits on an order-by-order basis (see col. 16, lines 42-45); and scheduling data change requests so that data change requests

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with the lowest endpoint digits in the lowest orders are scheduled for processing first (see col. 14, lines 50-55, which teaches determining the order in which the actions are to be implemented) is well known in the art as illustrated by Sharpe et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al and Shear et al with the general concept of comparing endpoint digits on an order-by-order basis; and scheduling data change requests so that data change requests with the lowest endpoint digits in the lowest orders are scheduled for processing first, as illustrated by Sharpe et al, in order to sufficiently regulate a peer to peer data exchange network.

9. Claims 11-13, and 28-30 are rejected under 35 USC 103 (a) as being unpatentable over Link et al (US 6,012,096) in view of Sharpe et al (US 5,898,834).

With respect to claims 11 and 28, Link et al (US 6,012,096) discloses an endpoint corresponding to a founding telespace member assigning itself a unique designation comprising a first order digit (see col. 5, lines 1-1, which teaches that IP addresses are added and removed for clients that join and leave the gaming lobby).

Link et al teaches all the limitations of claims 11 and 28, except for inserting endpoint designations into data change requests.

The general concept of inserting endpoint designations into data change requests (see col. 14, lines 55-60) is well known in the art as illustrated by Sharpe et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al with the general concept of inserting endpoint designations into data change requests,

as illustrated by Sharpe et al, in order to sufficiently regulate a peer to peer data exchange network.

With respect to claims 12 and 29, Link et al (US 6,012,096) discloses an endpoint corresponding to a founding telespace member assigning itself a unique designation comprising a first order digit (see col. 5, lines 1-1, which teaches that IP addresses are added and removed for clients that join and leave the gaming lobby).

Link et al teaches all the limitations of claims 12 and 29, except for using the endpoint designations in data change requests to resolve a dependency collision between two data requests.

The general concept of using the endpoint designations in data change requests to resolve a dependency collision between two data requests (see col. 16, lines 42-45) is well known in the art as illustrated by Sharpe et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al with the general concept of using the endpoint designations in data change requests to resolve a dependency collision between two data requests, as illustrated by Sharpe et al, in order to sufficiently regulate a peer to peer data exchange network.

With respect to claims 13 and 30, Link et al (US 6,012,096) discloses an endpoint corresponding to a founding telespace member assigning itself a unique designation comprising a first order digit (see col. 5, lines 1-1, which teaches that IP addresses are added and removed for clients that join and leave the gaming lobby).

Link et al teaches all the limitations of claims 13 and 30, except for resolving a dependency collision while maintaining total ordering.

The general concept of resolving a dependency collision while maintaining total ordering (see col. 13, lines 10-12) is well known in the art as illustrated by Sharpe et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al with the general concept of resolving a dependency collision while maintaining total ordering, as illustrated by Sharpe et al, in order to sufficiently regulate a peer to peer data exchange network.

10. Claims 14-16, and 31-33 are rejected under 35 USC 103 (a) as being unpatentable over Link et al (US 6,012,096) in view of Golberg et al (US 5,823,879).

With respect to claims 14 and 31, Link et al (US 6,012,096) discloses an endpoint corresponding to a founding telespace member assigning itself a unique designation comprising a first order digit (see col. 5, lines 1-1, which teaches that IP addresses are added and removed for clients that join and leave the gaming lobby).

Link et al teaches all the limitations of claim 14, except for assigning a unique designation to each new telespace member that an inviting endpoint invites into the telespace.

The general concept of assigning a unique designation to each new telespace member that an inviting endpoint invites into the telespace (see col. 28, lines 60-67, which discloses the identifier assigned to a new user joining the gaming lobby, shown in

col. 28, lines 1-4) is well known in the art as illustrated by Goldberg et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al with the general concept of assigning a unique designation to each new telepace member that an inviting endpoint invites into the telepace, as illustrated by Goldberg et al, in order to successfully implement a virtual gaming lobby.

With respect to claims 15 and 32, Link et al (US 6,012,096) discloses an endpoint corresponding to a founding telepace member assigning itself a unique designation comprising a first order digit (see col. 5, lines 1-1, which teaches that IP addresses are added and removed for clients that join and leave the gaming lobby).

Link et al teaches all the limitations of claims 15 and 32, except for the inviting member assigning an endpoint designation that is unique within the telepace.

The general concept of the inviting member assigning an endpoint designation that is unique within the telepace (see col. 8, lines 1-5, "unique player identification code") is well known in the art as illustrated by Goldberg et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al with the general concept of the inviting member assigning an endpoint designation that is unique within the telepace, as illustrated by Goldberg et al, in order to successfully implement a virtual gaming lobby.

With respect to claims 16 and 33, Link et al (US 6,012,096) discloses an endpoint corresponding to a founding telepace member assigning itself a unique designation

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comprising a first order digit (see col. 5, lines 1-1, which teaches that IP addresses are added and removed for clients that join and leave the gaming lobby).

Link et al teaches all the limitations of claims 16 and 33, except for the inviting member assigning a endpoint designation that is unique within the collaboration system.

The general concept of the inviting member assigning an endpoint designation that is unique within the collaboration system (see col. 8, lines 1-5, "unique player identification code") is well known in the art as illustrated by Goldberg et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al with the general concept of the inviting member assigning a endpoint designation that is unique within the collaboration system, as illustrated by Goldberg et al, in order to successfully implement a virtual gaming lobby.

11. Claims 17 and 34 are rejected under 35 USC 103 (a) as being unpatentable over Link et al (US 6,012,096) in view of Davis et al (US 6,030,288).

With respect to claims 17 and 34, Link et al (US 6,012,096) discloses an endpoint corresponding to a founding telespace member assigning itself a unique designation comprising a first order digit (see col. 5, lines 1-1, which teaches that IP addresses are added and removed for clients that join and leave the gaming lobby).

Link et al teaches all the limitations of claims 17 and 34, except for using a pseudo-random number generator to generate each designation.

The general concept of using a pseudo-random number generator to generate each designation (see col. 2, lines 60-65, which discloses that random numbers are generated

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to perform the processes within the gaming environment) is well known in the art as illustrated by Davis et al, as discussed above.

It would have been obvious to one of ordinary skill in the art to combine Link et al with the general concept of using a pseudo-random number generator to generate each designation, as illustrated by Davis et al, in order to successfully process gaming transactions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy A. Scott whose telephone number is (571) 272-3797. The examiner can normally be reached on Monday-Thursday 7:30 am-5:00 pm, second Fridays 7:30 am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RANDY SCOTT/

Examiner, Art Unit 2453

20090310

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457